MULTIMEDIA UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

# FINAL EXAM

**TRIMESTER 1, 2017/2018 SESSION**

## ULM1612 – LEGAL METHOD

(All Sections / Groups)

12 OCTOBER 2017
Reading Time : 2.30 p.m – 2.45 p.m
(15 Minutes)
Answering Time : 2.45 p.m – 5.45 p.m
(3 Hours)

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**INSTRUCTIONS TO STUDENT**

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Answer **ALL** questions in **PART A** and **ONE** question in **PART B**. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are not allowed to bring in any statute into the Examination Hall.

5. Please write all your answers in the Answer Booklet provided.

## PART A: ANSWER ALL QUESTIONS

### QUESTION 1

In the case of *Donoghue v Stevenson* [1932] AC 562, the House of Lords held that a manufacturer owed a duty of care to the ultimate consumer of the product. This was followed in *Grant v Australian Knitting Mills* [1936] AC 85 whereby they expanded the legal principles established in Donoghue to include all manufacturers. The said cases clearly illustrate judicial precedent as one of the key components under the common law in its development.

Compare and contrast the difference(s) between common law and civil law.

(Total: 25 marks)

### QUESTION 2

Mina walked into a shop and saw an item for RM2.50, she then took it to the counter to pay. The clerk then said "oh sorry this item is actually RM20.50". Mina demanded the said item to be sold for RM2.50. However, Riri, a bystander, stopped Mina by telling her that she has no right to do so as this is just a "mere invitation to treat".

Construct a persuasive argument with reference to a case study to support Riri's contention against Mina.

(Total: 25 marks)

### QUESTION 3

Discuss nine (9) targets of a draftsman's work when drafting a legislation.

(Total: 25 marks)

**Continued...**

## PART B: ANSWER ONE (1) QUESTION ONLY

## QUESTION 4

In order to qualify as a "citizen" of a State in matters of diversity in determining jurisdiction, the said person(s) must currently reside in that state and intend to remain there indefinitely. For example, in an instance the Plaintiff does not currently reside in Texas, hence, the plaintiff cannot be a "citizen" of Texas for jurisdictional matters.

Discuss the above statement by referring to syllogisms and examples of Inductive, Deductive and Abductive Reasoning methods.

(Total: 25 marks)

## QUESTION 5

Yosteel Co., a company selling anti-rust spray, offered a RM100.00 reward if their product does not prevent rust for 2 months and guaranteeing this reward by stating in their advertisement that they had deposited RM1000.00 in the bank as a show of their sincerity. Anna, believing Yosteel's advertisement, bought a can of anti-rust spray and used it from January 1, 2017 until January 5, 2017, when her machine went rusty. She want to claim her RM100.00 but was denied by the company.

Explain the importance of a ratio decidendi with reference to a case study in order to support Anna.

(Total: 25 marks)

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